

REMARKS

The following remarks are in response to the Examiner's Office Action mailed on November 30, 2007. Claims 9-13 are canceled without prejudice. Claim 3 is amended. Claims 1 and 2 are under condition for allowance. Claims 4-8, 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-8, 14, and 15 are pending. Reconsideration is respectfully requested in light of the following remarks.

Claim 3 stands rejected under 35 U.S.C. §102(b) as being anticipated by McBride et al. (Clin. Chem 35:2196-2201). Claim 3 as amended specifies an isolated polynucleotide which is selected from the group consisting of: (a) a nucleotide sequence encoding the polypeptide comprising the amino acid sequence of SEQ ID NO: 2, or the amino acid sequence of 29-213 of SEQ ID NO: 2; and (b) the polynucleotide **complementary to the nucleotide sequence of (a) AND encoding the** polypeptide comprising the amino acid sequence of SEQ ID NO: 2, or the amino acid sequence of 29-213 of SEQ ID NO: 2. Support for the amended claim appears in the specification, for example, at page 4, line 30 which describes the antisense nucleotide of RL5 gene encoding the polypeptide comprising the amino acid sequence of SEQ ID NO: 2, or the amino acid sequence of 29-213 of SEQ ID NO: 2.

The primers disclosed in McBride do not encode the polypeptide comprising the amino acid sequence of SEQ ID NO: 2, or the amino acid sequence of 29-213 of SEQ ID NO: 2. Thus, this reference fails to anticipate the claimed invention under 35 U.S.C. §102(b). Withdrawal of the rejection is therefore respectfully requested.

CONCLUSION

In light of the remarks set forth above, Applicants believe that the pending claims are under condition for allowance. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account No. 23-2415 (Attorney Docket No. 24569-714.831).

Respectfully submitted,

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